

COMMERCE, JUSTICE, STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS, FISCAL YEAR 1996—OCTOBER 12, 1995

Mr. BINGAMAN. Mr. President, although the bill has already passed the Senate, I want to state my strong opposition to H.R. 2076, the fiscal year 1996 appropriations for the Departments of Commerce, State, Judiciary, and related agencies.

Mr. President, I believe that H.R. 2076 is the epitome of the shortsightedness of the 104th Congress. H.R. 2076 leaves our country at a disadvantage internationally and it significantly eliminates the past emphasis of fighting crime through prevention programs. I am encouraged that the final Senate version of the bill is different from what emerged from the appropriations committee. Some of the programs that have been reinstated or have had the appropriations increased are beginning to make serious inroads into the problem of crime in our communities.

I would like to first address the programs that are important to New Mexicans and that I hope will emerge from conference unscathed. These specific programs are or have the potential of being very successful if given a chance.

#### COPS PROGRAM

The first program that has proven to be successful is the Community Oriented Policing Services program, otherwise known as COPS. In 1 year, since the program's inception, New Mexico has received more than 180 officers from the COPS Program. All parts of New Mexico have been awarded officer positions. From the Aztec Police Department in the north and Sunland Park in the south, to Quay County in the east and Laguna Pueblo in the west, all have felt the impact of this program.

The COPS Program is different from the block grant proposal that was in the committee version because it emphasizes the concept of community policing. It gets officers out into the community preventing crimes rather than reacting to crimes once they have been committed.

Mr. President, I am encouraged that the Senate stripped out the language that provided a \$1.7 billion block grant for communities. From my understanding, the block grant money could be used to hire secretaries, buy a radar gun, or buy a floodlight for a local jail. The law enforcement community is against this broad approach. The sentiment is best summed up by Donald L. Cahill, the chairman of the national legislative committee for the Fraternal Order of Police, who testified before the Senate Judiciary Committee in February on the block grant type proposal. He stated:

This broader category opens the door to using these funds for numerous purposes other than hiring police officers—such as hiring prosecutors or judges, buying equipment, lighting streets, or whatever. These

are all worthwhile—but they won't arrest a single criminal.

The bottom line is to place more officers on the street and the COPS Program has proven to be successful. That is why the Fraternal Order of Police, the National Sheriffs' Association, and the National Troopers' Coalition support the COPS Program.

To quote Mr. Cahill again: "Police are the answer for today and prevention is the answer for tomorrow."

#### DRUG COURTS PROGRAM

Mr. President, I am also encouraged that the Senate adopted Senator Biden's amendment that reinstated the drug court concept. In Las Cruces, NM, we have a drug court that receives State funding. If given a chance to receive Federal funding, this program could be expanded or used as a model for other drug courts throughout the State. This program has shown to be an innovative way to lower dramatically recidivism rates among those with alcohol problems. The focused treatment program includes frequent drug testing, judicial and probation supervision, drug counseling, detoxification treatment, and educational opportunities. Participants in the program who do not finish are prosecuted to the full extent of the law.

The Las Cruces drug court demonstrates true partnership with the community. It works in conjunction with five other agencies from the community: Partners for Prevention, Southwest Counseling Service, Southern New Mexico Human Development, N.M. State University Criminal Justice Department, and Dona Ana Branch Community College. The Drug Court Program specifically attacks a problem which has become national in scope. If this program is eliminated in conference, the Congress in essence is saying that it washes its hands of this matter.

#### VIOLENCE AGAINST WOMEN

I am encouraged that the Senate has retained the Violence Against Women Act. By doing so, the Senate is stating that this program does address an issue that has become national in scope and it is a priority. I am also encouraged that the Senate today overwhelmingly adopted an amendment by my friend and colleague from Delaware, Senator BIDEN, that restores funding for the Violence Against Women Act at the level requested by the administration.

If given the resources, this act has the potential to demonstrate that the Federal Government can make a real difference when dealing with violence against women. Through prosecution, outreach, and education, the Federal Government has assumed the responsibility of a full partner in this cause.

#### COMMERCE, JUSTICE, STATE APPROPRIATIONS

I find myself unable to support the final version of the Commerce, Justice, State appropriations bill because when the dust finally settled on the structure of the bill, it became clear that the interests of the Nation were not going to be served by its passage.

We should not envision our attempts to achieve a balanced budget as just a slash and burn process. We need to bias our spending toward those projects that produce real growth in our economy. Growth generates jobs, better incomes, a higher standard of living for our citizens, and helps to minimize the role of Government in the economy by helping to empower workers and businesses to thrive in a global trading environment rather than to be wards of the State. The wards of the State that we are rewarding this year are those contractors winning the 129 military construction projects valued at \$795 million above the President's request in the Defense appropriations bill. This spending was not in the national interest and is all too typical of the sloth and waste that has been part of our Nation's appropriations process for years. Do not fool yourselves. Nothing in this process has changed.

What we are failing to do in the Commerce, Justice, State appropriations bill is to leverage the tremendous entrepreneurial business energy in our Nation by partnering with it Federal support to do the things that the private sector cannot or will not do on its own. This bill guts the National Institute of Standards and Technology [NIST] which sets standards and develops measurement systems for machine tools as well as componentry in our most advanced high-technology industries. It has been NIST that has overseen the important Malcolm Baldrige Award which has helped encourage and inspire American industry to reach higher levels of performance and quality. The Manufacturing Extension Program and Advanced Technology Program [ATP] are both cut back in this bill, particularly ATP which is practically shut down. It is these programs that have helped us move technologies primarily caught in national laboratories and our defense technology base out into the commercial sector. While Japan is redoubling its efforts and investing heavily in miniaturization and subatomic level processing, the United States cannot afford to forego efforts in linking our private sector and our national laboratories.

Other programs that are critical to the economic security of the Nation and either are eliminated or drastically cut back are the International Trade Administration; Bureau of Export Administration; as already mentioned, NIST; the Economic Development Agency; the National Telecommunications and Information Administration; and the Minority Business Development Agency.

I am not opposed to restructuring what our Government does, and I am not opposed either to scaling back Government. I am, however, committed to economic growth and think that we must set tough standards by which to measure the need for and role of Government in our economic activities. There is such a role. The invisible hand that so often we hear about is only

there to strangle us if we do not understand what the invisible hand responds to and what it does not.

As I have mentioned before on the floor of this Chamber, I would recommend that those who frequently call on the ghost of Adam Smith and subscribe to the prescriptions of the invisible hand pull from their shelves a copy of "Wealth of Nations." Dust it off and give it another good read. Smith clearly outlines the role of Government, a perspective with which I would agree.

He states that first, the State has a "night watchman function," to see to the safety and security of its citizens. He argues that the State must educate its labor force—something that we do poorly in this Nation. He continues that the State must build the infrastructure on which commerce depends; that it must build roads, canals, bridges; and in the modern context, airports, the national information infrastructure, basic research laboratories, and export assistance offices. The Government must pay for itself and must therefore tax and charge for its services. And the Government must support development of those technologies that are not at first easily commercializable—in his day, shipbuilding, and in ours, nuclear energy. Adam Smith himself outlines these as the indispensable functions of Government, of minimalist Government, and leaves the rest to be fixed by the market.

Those of us who are tasked with the responsibilities of writing budgets and voting on them cannot neglect the indispensable roles that Government does have. But I believe that the technologies driving recent Republican budgets have neglected these roles. And we must revisit this effort knowing that while we must cut our budget deficit, we must also promote high-end economic growth which creates high wage jobs and a better standard of living for our citizens. And enmeshed as we are in a global economy, we have to export more and erase the chronic deficits that represent real job-leakage from our economy.

I look forward to voting in favor of a Commerce, Justice, State appropriations bill that cuts back unproductive investments that the government makes in favor of those that address the welfare of our Nation, now and into the future. But I am afraid that this bill does not help to secure the welfare of our citizens.

In closing Mr. President, I am disappointed at this legislation as it was presented to the Senate. I am happy that we have been able to make some changes to the more misguided portions of the bill and I am also glad that the managers have agreed to accept amendments I intended to offer to the bill. However, I cannot support a bill that takes our Nation back in time and dismantles programs upon which we should be basing our future.

#### NEEDED: IMMIGRATION REFORM WHICH PROTECTS FAMILIES AND U.S. WORKERS

Mr. KENNEDY. Mr. President, in the coming weeks, the full Senate will be engaged in the important issue of reforming the immigration laws. Our principal goal is to provide the additional authority needed to combat illegal immigration. Initial progress is being made as a result of increases in resources and personnel of the Immigration and Naturalization Service to deal with this ongoing crisis that is so harmful to the country, but much needs to be done.

It would be a mistake, however, to allow the Nation's concerns about illegal immigration to create an unjustified and unwarranted backlash in Congress over legal immigration.

Legal immigrants come to America within the limits prescribed in the immigration laws. They join their families, roll up their sleeves, and contribute to U.S. communities. There is every reason to believe that today's new Americans will build an even stronger America for the next generation just as our immigrant predecessors did for us.

It is especially important, therefore, that any reforms of the laws governing legal immigration must protect families and U.S. workers.

Most Americans agree that U.S. citizens should have the right to bring spouses, children, and other close family members to this country to be with them here if they wish to do so. Yet, there are those who would deny American citizens the privilege to reunite their families in America.

Proposals currently before Congress would make it illegal for an American citizen to bring a parent who is under age 65. It would be illegal for Americans to bring in their adult children. And it would be illegal to bring in a brother or sister.

In each of these cases, under current law, the U.S. citizen must agree to sponsor their relatives—to provide for them if they fall on hard times. And we must take additional steps to ensure that U.S. citizens fulfill their sponsorship obligations and be prepared to take legal action against them when they fail to care for their immigrant relatives.

Clearly, some reforms may be desirable in the numbers admitted each year. But we should not deny U.S. citizens the privilege of family reunification—whether it involves their parents, their adult children, or their brothers and sisters.

In the case of brothers and sisters, large numbers of Americans have already paid millions of dollars in fees to the Federal Government to have their siblings join them in America. Yet, not only are there those who would eliminate this immigration for the future, they would even deny any possibility of family reunification here for those Americans who have paid hard-earned dollars to the Government and waited

patiently for their brothers and sisters to come.

In addition to protecting families, our laws governing legal immigration must also protect U.S. workers. When immigrants come here at the request of an employer to fill a job vacancy, and not for family reunification, we must make certain that they do not displace a U.S. worker from that job. And we must ensure that employers do not underpay immigrants and undercut the wages of American workers.

Our immigration laws have enabled dedicated workers to come here to contribute their skills and ingenuity to American businesses. At times, they have made the difference between the success and failure of an enterprise and have saved American jobs in the process.

Nevertheless, in many respects, the laws and procedures governing immigration for employment fail to protect U.S. workers adequately. Although U.S. employers are required to attempt to recruit U.S. workers before turning to immigrants, this process results in the hire of an American worker less than one-half of 1 percent of the time. Clearly, the current recruitment requirement does not work and is widely ignored.

I am particularly concerned that the laws permitting temporary foreign workers to come to this country have not kept pace with changes in the labor market. U.S. companies are resorting increasingly to temporary hires, rather than permanent employees, and are contracting out functions which they previously performed in-house with permanent staff. The growth of temporary and part-time employees in the labor market means that temporary foreign workers are now in direct competition with this new class of American worker.

Lax immigration standards on temporary foreign workers—so-called nonimmigrants—have enabled computer consulting firms, health care providers, and too many others to turn to temporary foreign workers. As some U.S. companies lay off U.S. workers from their permanent payrolls, they are hiring temporary foreign workers to take their places.

This practice cannot be permitted to continue. I join with the chairman of the Immigration Subcommittee, Senator SIMPSON, in seeking reforms of this aspect of our immigration laws. Clearly, when employers cannot find a qualified U.S. worker, the immigration laws should fill the gap. But these laws must not be a pretext for hiring cut-rate foreign labor at the expense of U.S. workers.

The immigration issue is about our roots as Americans. It is also about how we see our future. We all agree that we must control illegal immigration. But very different considerations apply to legal immigrants. In the process of enacting immigration reform, we must remember and honor the many benefits which legal immigrants have